

## REMARKS

The Office Action dated June 10, 2002 has been carefully reviewed. Claims 17-18 and 26-51 are pending in this patent application. By this amendment, claims 17-18 have been canceled, and claims 52-61 have been added. Reconsideration of this application, as amended, is respectfully requested.

### **35 U.S.C. § 102 Rejection**

Claims 17, 18, 26, 28, 29, 32, 33, 35, 37-41, 44, and 47-51 were rejected under 35 U.S.C. § 102 as being anticipated by a product catalog distributed by Auto Meter Competition Instruments for 1999 (hereinafter "AUTO METER"). Claims 17-18 have been canceled in order to further prosecution of this patent application. Reconsideration of claims 26, 28, 29, 32, 33, 35, 37-41, 44, and 47-51 is respectfully requested.

### Discussion Regarding Patentability of Claim 26

#### *1. Claim 26*

Claim 26 recites the following limitation:

removing an original dashboard bezel from a bezel mounting space defined between said dashboard housing and said instrument cluster assembly, said original dashboard bezel possessing no instrument mounts;

The term "instrument cluster assembly" is well defined in Applicant's patent application to mean an assembly which includes a collection of instruments and associated wiring and other components that are housed

together (see, e.g., page 9, line 12 through page 10, line 7). Also, the term "instrument cluster" is a term well known in the art. (See, e.g., Exhibit A - showing the first page of results of a simple keyword search on the Google.com search website for the term "instrument cluster".) And Applicant is using such term consistent with its well-known meaning.

Moreover, the term "instrument" is well defined in Applicant's patent application to mean a device used to indicate a property, state, or measurement data with regard to the engine of an automobile, any other automobile function or feature, or an automobile in general. (See, e.g., page 10, lines 17-21). Applicant uses the term "instrument" consistent with its plain meaning. (See, e.g., Exhibit B - showing the dictionary definition in McGraw-Hill's "Dictionary of Scientific and Technical Terms", Fifth Edition, 1994.)

In an attempt to identify a teaching in AUTO METER that meets that claimed removing step, the following was stated in the 6/10/02 Office Action at page 2, lines 11-14:

Auto Meter discloses a ... bezel (body of this product) configured to be mounted in a bezel-mounting space defined between a dashboard housing (inherent) and an instrument assembly (unidentified) ...

However, the stock vent of the AUTO METER reference is not mounted in *a bezel mounting space defined between said dashboard housing and said instrument cluster assembly*. Indeed, an instrument cluster is not exposed by removal of the stock vent, but rather an output of air plenum is exposed. An air plenum is not "an instrument" in that it does not indicate a property, state, or measurement data with regard to the engine of an automobile. Thus, an air

plenum cannot be strained to be construed as an "instrument cluster assembly". Thus, the removal of the stock vent does not meet the claimed step of "removing an original dashboard bezel from a bezel mounting space defined between said dashboard housing and said instrument cluster assembly". It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since AUTO METER does not disclose each and every element of Applicant's claim 26, AUTO METER does not anticipate Applicant's claim 26.

Further, if the rejection of claim 26 is maintained after considering the remarks presented herein, the Examiner is respectfully requested to clarify what element of AUTO METER is considered to be the "instrument assembly (unidentified)".

#### Discussion Regarding Patentability of Claims 28, 29, and 32

Each of claims 28, 29, and 32 depends directly from claim 26. As a result, each of claims 28, 29, and 32 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 26.

Moreover, each of claims 28, 29, and 32 recites additional novel and nonobvious limitations. For example, claim 32 recites the following:

said dashboard housing includes a rim which defines a viewing opening through which a driver of said vehicle may view said instrument cluster assembly, and

said installing step includes the step of securing said replacement dashboard bezel adjacent to said rim.

Clearly, the "Gauge Cage of AUTO METER is not secured adjacent to a rim which defines a viewing opening through which a driver of the vehicle may

view the instrument cluster assembly. Rather, as discussed above, the opening created by removal of the stock vent in AUTO METER merely exposes an output of air plenum. An air plenum is not an "instrument cluster assembly". As a result, AUTO METER further does not anticipate Applicant's claim 32.

#### Discussion re: Patentability of Claim 33

Claim 33 recites the following limitation:

a body configured to be mounted in a bezel mounting space defined between a dashboard housing and an instrument cluster assembly of a vehicle.

The discussion relating to the patentability of claim 26 is relevant to the patentability of claim 33. In particular, the Gauge Cage of AUTO METER does not possess a body configured to be mounted in a bezel mounting space defined between a dashboard housing and an instrument cluster assembly of a vehicle. Rather, it is configured to be in front of an output of an air plenum as discussed above. Thus, claim 33 is allowable over AUTO METER.

#### Discussion Regarding Patentability of Claims 35 and 37-39

Each of claims 35 and 37-39 depends directly or indirectly from claim 33. As a result, each of claims 35 and 37-39 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 33.

Discussion re: Patentability of Claim 40

Claim 40 recites the following limitation:

removing an original dashboard bezel from a bezel mounting space defined between said dashboard housing and said instrument cluster assembly, said original dashboard bezel possessing no instrument mounts; and

The discussion relating to the patentability of claim 26 is relevant to the patentability of claim 40. Thus, claim 40 is allowable over AUTO METER.

Discussion Regarding Patentability of Claims 41 and 44

Each of claims 41 and 44 depends directly or indirectly from claim 40. As a result, each of claims 41 and 44 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 40. Furthermore, the discussion relating the patentability of claim 32 is relevant to the patentability of claim 44. Thus, each of claims 41 and 44 is allowable over AUTO METER.

Discussion re: Patentability of Claim 47

By virtue of its dependency on claim 45, claim 47 includes the following limitation:

a body configured to be mounted in a bezel mounting space defined between a dashboard housing and an instrument cluster assembly of said vehicle.

The discussion relating to the patentability of claims 26 and 33 is relevant to the patentability of claim 47. Thus, claim 47 is allowable over AUTO METER.

### Discussion Regarding Patentability of Claims 48-51

Each of claims 48-51 depends directly or indirectly from claim 47. As a result, each of claims 48-51 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 47.

### **35 U.S.C. § 103 Rejection**

Claims 27, 30, 31, 34, 36, 42, 43, 45, 46, and 48 were rejected under 35 U.S.C. § 103 as being unpatentable over AUTO METER alone. Reconsideration of claims 27, 30, 31, 34, 36, 42, 43, 45, 46, and 48 is respectfully requested.

### Discussion Regarding Patentability of Claim 27

Claim 27 depends directly from claim 26. As a result, claim 27 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 26.

### Discussion Regarding Patentability of Claim 30

Claim 30 depends directly from claim 26. As a result, claim 30 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 26. Moreover, claim 30 recites the following additional novel and nonobvious limitations:

said instrument cluster assembly includes a window and a speedometer, said speedometer is located on a backside of said window whereby a driver of said vehicle may view said speedometer through said window, and said instrument mount is located on a front side of said window after said replacement dashboard bezel is installed in said installing step.

Clearly, the Gauge Cage of AUTO METER is not installed such that an instrument mount of the Gage Cage is located on a front side of a window of an instrument cluster assembly after the Gage Cage is installed.

Further, if the rejection of claim 30 is maintained after considering the remarks presented herein, the Examiner is respectfully requested to clarify what element of AUTO METER is considered to be the "instrument assembly (unidentified)", and further what element of AUTO METER is considered to be the "window".

Moreover, in the 6/10/02 Office Action at page 3, lines 16-19 it was stated:

[a]dditionally, re Claim 30 ..., while the included catalog pages do not disclose a speedometer, it would have been obvious ... to include this element, or any other pertinent meter, for the safety and comfort of the user, the particular type of meter being immaterial to the invention.

However, it should be appreciated that the particular type of meter set forth in claim 30 is not immaterial to the invention defined by this claim. Indeed, the particular type of meter set forth in claim 30 helps define the specific location of the claimed *bezel mounting space*. In particular, the bezel mounting space of claim 30 is *defined between said dashboard housing and said instrument cluster assembly* (the instrument cluster assembly including a particular type of meter, namely, a *speedometer*). Applicant's invention of claim 30 utilizes this heretofore ignored and unutilized location (i.e. the space defined between the dashboard housing and the instrument cluster assembly which includes a speedometer) in order to mount at least one additional instrument. Applicant will concede that the particular type of this "additional instrument" is immaterial to the invention, not the *speedometer* which defines the location of the bezel mounting space. Two

examples of this "additional instrument" are shown in FIG. 19 of Applicant's patent application (see items 60, 70).

#### Discussion Regarding Patentability of Claim 31

Claim 31 depends directly from claim 26. As a result, claim 31 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 26. Furthermore, the discussion relating the patentability of claim 30 is relevant to the patentability of claim 31. Thus, claim 31 is allowable over AUTO METER.

#### Discussion Regarding Patentability of Claims 34 and 36

Each of claims 34 and 36 depends directly or indirectly from claim 33. As a result, each of claims 34 and 36 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 33.

#### Discussion Regarding Patentability of Claim 42

Claim 42 depends directly from claim 40. As a result, claim 42 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 40. Furthermore, the discussion relating the patentability of claim 30 is relevant to the patentability of claim 42. Thus, claim 42 is allowable over AUTO METER.

#### Discussion Regarding Patentability of Claim 43

Claim 43 depends directly from claim 40. As a result, claim 43 is allowable for, at least, the reasons hereinbefore discussed with regard to claim



40. Furthermore, the discussion relating the patentability of claim 42 is relevant to the patentability of claim 43. Thus, claim 43 is allowable over AUTO METER.

Discussion re: Patentability of Claim 45

Claim 45 recites the following limitation:

an after-market dashboard bezel including (i) a body configured to be mounted in a bezel mounting space defined between a dashboard housing and an instrument cluster assembly, of said vehicle ...

Even if installation instructions were included with the Gauge Cage of AUTO METER, this proposed modification of AUTO METER would not arrive at the invention of claim 45. Indeed, the Gauge Cage of AUTO METER, with or without installation instructions, does not possess a body configured to be mounted in a bezel mounting space defined between a dashboard housing and an instrument cluster assembly of a vehicle. Rather, it is configured to be mounted in front of an output of an air plenum as discussed above. Thus, the proposed modification does not arrive at the invention of claim 45. Accordingly, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to Applicant's invention of claim 45.

Discussion Regarding Patentability of Claims 46 and 48

Each of claims 46 and 48 depends directly or indirectly from claim 45. As a result, each of claims 46 and 48 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 45.

### **Newly Added Claims 52-61**

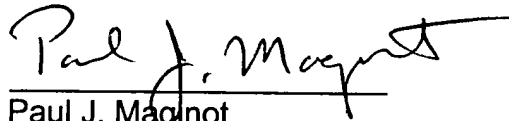
Claims 52-61 have been added. Such claims recite novel and nonobvious limitations. Accordingly, claims 52-61 are believed to be allowable over the prior art.

### **Conclusion**

In view of the foregoing amendments remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Paul J. Maginot", written over a horizontal line.

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